

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE: AVANDIA MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

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**MDL No. 1871  
07-md-01871**

**THIS DOCUMENT APPLIES TO:**

*Madelyn Kirbyson v. Jean-Pierre Garnier*

**Civil Action No. 12-4085**

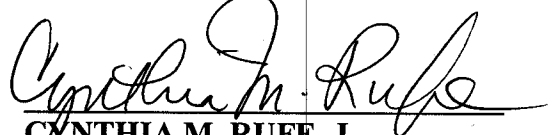
**ORDER**

AND NOW, this 6<sup>th</sup> day of September 2013, upon consideration of Plaintiff's Motion for Summary Judgment [Doc. No. 4], Defendant's Response and Cross-Motion for Summary Judgment [Doc. No. 5], and Plaintiff's second Motion for Summary Judgment [Doc. No. 7], which the Court construes as a response to Defendant's Cross-Motion, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Cross-Motion for Summary Judgment is **GRANTED** and the case is **DISMISSED** with prejudice as barred by the Settlement Agreement and Confidential Release ("Release") Plaintiff entered into with GlaxoSmithKline. Accordingly, Plaintiff's Motion for Summary Judgment is **DISMISSED** as **MOOT**.

The Clerk of Court is **DIRECTED** to mark the case **CLOSED**.

It is so **ORDERED**.

**BY THE COURT:**

  
**CYNTHIA M. RUFÉ, J.**